Regular Session, 2009

HOUSE BILL NO. 628

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## BY REPRESENTATIVE LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

2	To amend and reenact Code of Civil Procedure Article 3945(C)(1) and (2) and (D) and Civil
3	Code Article 136(C) and to enact Civil Code Article 136(D), relative to child custody
4	and visitation; to provide relative to orders of temporary custody; to extend the
5	period for the setting of the hearing of the rule to show cause; to provide relative to
6	the expiration of temporary custody and visitation; to provide for visitation by
7	grandparents and siblings in certain circumstances; and to provide for related
8	matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. Code of Civil Procedure Article 3945(C)(1) and (2) and (D) is hereby
11	amended and reenacted to read as follows:
12	Art. 3945. Incidental order of temporary child custody; injunctive relief; exceptions
13	* * *
14	C. An ex parte order of temporary custody shall:
15	(1) Expire by operation of law within fifteen thirty days of signing of the
16	order; however, the order may be extended for good cause shown at any time before
17	its expiration for one period not exceeding ten fifteen days.
18	(2) Provide specific provisions for temporary visitation by the adverse party
19	of not less than forty-eight hours during the any fifteen-day period, unless the
20	verified petition or supporting affidavit clearly demonstrates that immediate and
21	irreparable injury will result to the child as a result of such visitation.
22	* * *

1 D. The rule to show cause why the respondent should not be awarded the 2 custody, joint custody, or visitation of the child shall be assigned for hearing not 3 more than fifteen thirty days after signing of the ex parte order of temporary custody. 4 5 Section 2. Civil Code Article 136(C) is hereby amended and reenacted and Civil 6 Code Article 136(D) is hereby enacted to read as follows: 7 Art. 136. Award of visitation rights 8 9 C. In accordance with Paragraph B of this Article, extraordinary circumstances may include when a parent is addicted to a controlled dangerous 10 11 substance. 12 D. In the event of a conflict between this Article and R.S. 9:344 or 345, the 13 provisions of the statute shall supersede those of this Article. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

**ENROLLED** 

HB NO. 628

APPROVED: \_\_\_